

**MINUTES  
of the  
FIRST MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**June 6, 2008  
State Capitol, Room 307  
Santa Fe**

The first meeting of the Legislative Health and Human Services (LHHS) Committee for the 2008 interim was called to order by Senator Dede Feldman, chair, on Friday, June 6, 2008, at 9:50 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Sen. Dede Feldman, Chair  
Rep. Danice Picraux, Vice Chair  
Rep. Keith J. Gardner  
Sen. Mary Kay Papen  
Rep. Gloria C. Vaughn

**Absent**

Sen. Rod Adair  
Rep. Joni Marie Gutierrez  
Sen. Steve Komadina

**Advisory Members**

Rep. Ray Begaye  
Sen. Sue Wilson Beffort  
Rep. Jose A. Campos  
Rep. Nora Espinoza  
Rep. Gail Chasey  
Rep. John A. Heaton  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Rep. Rick Miera  
Rep. Antonio Lujan  
Rep. James Roger Madalena  
Sen. Gerald Ortiz y Pino  
Sen. Nancy Rodriguez  
Rep. Edward C. Sandoval

Rep. Nathan P. Cote  
Rep. Daniel R. Foley  
Rep. Miguel P. Garcia  
Sen. Clinton D. Harden, Jr.  
Sen. Timothy Z. Jennings

**Staff**

Michael Hely  
Raúl E. Burciaga  
Tim Crawford

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

## **Friday, June 6**

### **Welcome and Introductions**

Senator Feldman called the committee to order at 9:50 a.m. Committee members introduced themselves, and Senator Feldman introduced the committee staff.

### **Interim Legislative Meeting Protocols**

Paula Tackett, director, Legislative Council Service, presented a number of committee protocol issues to the LHHS. The presentation included information on the establishment of a quorum, how the committee can conduct limited business without a quorum, appointments by the speaker of the house of representatives and the senate president pro tempore and member resignations from committees. Additionally, Ms. Tackett provided an overview of voting requirements and the "blocking" provision that allows one house to reject committee action if a majority of the appointed house or senate members vote against the measure despite a majority, pursuant to Section 2-3-3 NMSA 1978.

Ms. Tackett also discussed a number of logistical issues that the committee may confront, including limited seating at the dais in State Capitol committee rooms, reminders about how the committee room sound systems work, conflicts for voting members of committees that meet on the same day and committee staff efforts to assist committee members to make meetings more effective.

### **2008 Legislation Summary**

Michael Hely, lead staff for the LHHS, provided the committee with a written summary of the health care-related legislation introduced during the 2008 regular session. The summary included the bill number; the sponsor; the committees to which the bill was assigned; the action taken on each bill, including votes; and notes of interest. The summary also included information on LHHS-endorsed legislation and memorials requesting studies or other action, usually by state agencies. Mr. Hely made note of some of the major pieces of legislation that sought to reform health care and health coverage.

### **Focus of Interim and Upcoming Session: Children, Youth and Families Department (CYFD)**

Secretary Dorian Dodson presented the CYFD's priorities. Secretary Dodson discussed the long-term focus for juvenile justice in shifting emphasis from confinement and punishment to rehabilitation and restorative justice; and the short-term focus for a pilot regional facility based on the Missouri model that features small community-based centers that stress therapy, not punishment. She addressed some of the challenges in recruiting and retaining foster care providers and presented statistical information on foster care maintenance payments, their relation to the consumer price index and the state distribution of foster care homes and children in foster care. Secretary Dodson provided an overview of the department's efforts to improve the quality of licensed child care providers to ensure safe and healthy environments for optimal child development and to balance accessibility, availability and quality. The CYFD is working with providers to establish individual safety plans and intervention programs for batterers to reduce domestic violence. The CYFD is also working to expand services to better transition youth leaving foster care to minimize negative outcomes, such as homelessness, unemployment, criminal

activity, teen pregnancy and lack of education. Finally, Secretary Dodson discussed the information technology needs to ensure that federal funding is not jeopardized by not meeting reporting requirements.

**Focus for Interim and Upcoming Session: Aging and Long-Term Services Department (ALTSD)**

Secretary Cindy Padilla provided the committee with an overview of the department, its staff and its focus. The ALTSD's areas of focus include:

- É civic engagement;
- É a focus on health and wellness through Senior Olympics;
- É the Task Force to End Hunger;
- É Area Agencies on Aging (AAA) meetings;
- É the New Mexico Conference on Aging; and
- É coordinated long-term services.

Coordinated long-term services (CLTS) is a program that has been in the planning stages through the ALTSD and the Human Services Department (HSD) for some time. It is due to be implemented on July 1, 2008, contingent on approval by the Centers for Medicare and Medicaid Services of managed care and home- and community-based waivers. Evercare and Amerigroup are managed care contractors for CLTS. Approximately 38,000 persons are targeted to be covered under this program for full Medicaid acute and long-term care services, while ensuring quality and intended outcomes. The program's goals are to reduce fragmentation, coordinate Medicare and Medicaid services and funding, promote home- and community-based services, decrease dependency on nursing home utilization, provide a broader range of supports and services, ensure quality management and data sharing, apply principles of community integration and multidisciplinary teams and enhance the infrastructure of long-term services, particularly in rural areas.

**Focus for Interim and Upcoming Session: Department of Health (DOH)**

Secretary Alfredo Vigil discussed the DOH's role in public health initiatives to address more effectively childhood obesity, improve childhood immunization rates, reduce infectious diseases and commit to expanding dental programs in the state. The department is also looking at the current status of and future plans for Fort Bayard Medical Center. Other facility challenges include increased fuel and food costs, increased numbers of court-mandated referrals to the Los Lunas community program and court commitments to the New Mexico Behavioral Health Institute. Secretary Vigil discussed the DOH's ongoing efforts to increase the number of health care professionals in the state, to expand telehealth services and increase the use of electronic medical records and to further evolve the state's trauma and emergency medical services system.

**Focus for Interim and Upcoming Session: HSD**

Secretary Pam Hyde described the HSD's mission to reduce the impact of poverty on people and on the state and to help low-income and disabled individuals participate fully. Secretary Hyde provided a brief overview of the department's major service areas, including income assistance, food supply, utilities, employment, educational opportunities, community services and physical and behavioral health care. She provided an organizational overview of the

HSD. Information technology, a health and human services "super complex", staffing challenges and managing ever-changing federal mandates are areas of focus for the department's program support areas. Federal changes have a significant and often adverse impact on the HSD. Efforts in behavioral health include the Los Lunas Substance Abuse Treatment and Training Center, rate equalization, housing, support for the Behavioral Health Planning Council and the local collaboratives, special appropriations cleanup and guardianship. The Child Support Enforcement Division of the HSD faces issues such as potential revenue losses, arrears management and working with Indian tribes on their child support enforcement programs. The Income Support Division of the HSD will focus on improvements and changes in food stamp, income assistance and energy assistance programs. The Medical Assistance Division of the HSD continues to work on HealthSolutions New Mexico initiatives to reform health insurance, consolidate public programs, consider employer and individual responsibilities for coverage and review privacy issues in health information exchange efforts. Additionally, Medicaid must deal with the number of eligible-but-not-enrolled children and adults, CLTS coordination with the ALTSD, federal rule changes and approaches to managing growing enrollment and increased costs.

Secretary Hyde presented a summary of the costs of providing coverage for uninsured individuals in the state. The information includes the demographics of the uninsured and the sources of the statistics. She indicated that the cost of health care coverage for New Mexicans under age 65 and non-institutionalized persons would approach \$7 billion in fiscal year 2010. Additional information was provided on state and national health care expenditures.

Linda Roebuck, Behavioral Health Collaborative chief executive officer, presented an overview of the Behavioral Health Purchasing Collaborative's priorities for fiscal year 2009. Ms. Roebuck reviewed the statutory requirements, the collaborative's structure and the request for proposals (RFP) that will to be issued in July 2008 for a bidder selection in December 2008 and a four-year contract commencing on July 1, 2009. She stressed that the collaborative wants public input on the draft RFP.

Secretary Hyde provided information on the effect of the federal Deficit Reduction Act of 2005 that requires that persons owning a home with equity value in excess of \$500,000 are not eligible for long-term care under Medicaid. The state has the option to raise the equity value to \$750,000. A hearing on the proposed Medicaid state rule is set for June 13, 2008, and the rule, once finalized, will be effective on August 1, 2008.

### **Committee Discussion**

Upon comments and questioning from the committee, the following issues were discussed based on presentations made by the cabinet secretaries:

- É the turnaround on lab testing done at the state laboratory;
- É the need for financial literacy information for families facing long-term care needs for the elderly and disabled;
- É a review of the demographics of children in the juvenile justice system;
- É incentives for child care and reimbursement based on benchmarks;
- É potential loss of Temporary Assistance for Needy Families funding based on the broader use of those funds;

- É transitional housing needs for youth moving out of foster care;
- É a pilot project for training case workers and others on post-traumatic stress disorders;
- É a request for a copy of the behavioral health RFP and committee input to the HSD on the RFP;
- É the need for accountability and transparency in the administration of behavioral health programs; and
- É the need for the HSD to consider new approaches as federal funds decrease and existing waivers are under review or consideration to ensure that programs are sustained while managing and containing costs.

### **Public Input**

During public comment, several advocates made the committee aware of the severe impact that rising fuel and food prices are having on their clientele.

There was criticism of the implementation of the CLTS program in that there is supposed to be "meaningful consultation" with advocates and consumers, which two advocates stated was not taking place.

One advocate stressed the need to control health care costs through wellness and prevention programs. The effect would be to lower insurance rates and cut costs.

An advocate for mid-level health providers stressed the importance of using dental hygienists to stretch the reach of professional dental care in underserved areas of New Mexico.

### **Review and Discussion of Work Plan, Meeting Dates and Locations for 2008 Interim**

Mr. Hely reviewed the committee's proposed work plan and addressed the renewed focus of the committee on human services issues, in addition to the ongoing examination of health care reform efforts at the national level and in other states.

Upon comments and questioning from the committee, the following issues were discussed and added to the proposed work plan:

- É veterans services;
- É facilities;
- É housing and hunger;
- É electronic records and health information exchange;
- É requests received by staff for presentations to the LHHS;
- É urban (or off-reservation) Native American health care issues;
- É guardianship;
- É universal health care financing, including looking at county funds;
- É consideration of the Health Insurance Alliance and the Medical Insurance Pool;
- É the health insurance exchange model; and
- É foster care/CYFD incidents and investigations in southeast New Mexico.

The dates and locations for the LHHS meetings are as follows:

|   |                 |                                   |
|---|-----------------|-----------------------------------|
| É | July 16-18      | Las Cruces and Deming;            |
| É | August 20-22    | Albuquerque;                      |
| É | September 15-17 | Farmington and Beclabito Chapter; |
| É | October 15-17   | Santa Fe; and                     |
| É | November 10-12  | Santa Fe.                         |
| É |                 |                                   |

**Adjournment**

Senator Feldman adjourned the meeting at 2:00 p.m.